UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.) Case No. 4:13CR0357 ERW/TCM
JAMES SCHILLY,)
Defendant.)

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

In accordance with the Memorandum filed herein,

IT IS HEREBY RECOMMENDED that Defendant's Motion to Dismiss the Indictment be **DENIED**. [Doc. 46]

The parties are advised that they have **fourteen** (**14**) days in which to file written objections to this Recommendation and the Memorandum incorporated herein pursuant to 28 U.S.C. § 636(b)(1), unless an extension of time for good cause is obtained, and that failure to file timely objections may result in waiver of the right to appeal questions of fact. As directed by the <u>Honorable E. Richard Webber</u>, trial in this matter has been set for <u>March 10, 2014</u>, at <u>8:30 a.m.</u>

/s/ Thomas C. Mummert, III
THOMAS C. MUMMERT, III
UNITED STATES MAGISTRATE JUDGE

Dated this 15th day of January, 2014.